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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/504,939	02/16/2000	Christopher R. Stephens	10079.0100	6632

7590 03/11/2010  
Noblitt & Gilmore, LLC  
4800 North Scottsdale Road  
Suite 6000  
Scottsdale, AZ 85251

EXAMINER
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FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
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3693

MAIL DATE	DELIVERY MODE
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03/11/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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MAR 11 2010

Noblitt & Gilmore, LLC  
4800 North Scottsdale Road  
Scottsdale, AZ 85251

In re Application of	:	
Stephens, et al.	:	DECISION ON PETITION
Application No. 09/504,939	:	TO WITHDRAW THE NOTICE
Filed: February 16, 2000	:	OF NON-COMPLIANT
For: SYSTEM AND METHOD FOR CREATING,	:	APPEAL BRIEF
DISTRIBUTING AND MANAGING	:	UNDER 37 CFR 1.181
ARTIFICIAL AGENTS	:	

This is in response to applicant's petition under 37 CFR 1.181 filed September 30, 2009 requesting withdrawal of certain requirements in the Notice of Non-Compliant Brief mailed August 31, 2009.

The petition is **DISMISSED AS MOOT**.

A review of the record reveals that applicant filed a first appeal brief on February 25, 2009. The examiner issued a Notification of Non-Compliant Appeal Brief on May 22, 2009 holding that applicant failed to provide drawing reference characters for the explanation of the subject matter, and that the explanation was not in narrative form. Applicant filed a corrected appeal brief on June 2, 2009. The examiner issued a second Notification of Non-Compliant Appeal Brief on August 31, 2009 which asserted that the appeal brief was not in compliance with 37 CFR 41.37 (c)(1)(v) in that the appeal brief did not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings if any, by reference character. In addition, the examiner pointed out that "no reference characters accompany the drawings as required under 37 CFR 41.37(c)(1)(V)." Applicant filed a second corrected appeal brief on September 30, 2009. The examiner issued a third Notification of Non-Compliant Appeal Brief on December 17, 2009 which pointed out that applicant's second corrected appeal brief failed to include in the summary of claimed subject matter the structure corresponding to the "means for distributing artificial agents." Subsequently, the examiner and applicant conducted an interview on January 8, 2010 which was followed by a new appeal brief on January 11, 2010.


In this petition applicant asserts that, "if the basis for notice of non-compliance is due to the fact that the Figures 3-12 do not contain reference characters, the appellant submits that this is not a valid reason to hold an appeal brief non-compliant under the rules. If the examiner takes issue with the drawings as submitted, the appellant submits that this is an issue which should have

been brought up during prosecution and is not a proper basis for finding an appeal brief non-compliant under 37 CFR 41.37(c)(1)(v).”

The examiner’s Notification of Non-Compliant Appeal Brief dated December 17, 2009 replaces the August 31, 2009 Notification; and thus replaces all issues associated with the August 31, 2009 Notification. Accordingly, applicant’s petition is **DISMISSED AS MOOT**.

The application is being forwarded to the examiner for consideration of the new appeal brief filed on January 11, 2010.

Any questions regarding this decision should be directed to Supervisory Patent Examiner James Kramer at (571) 272-6783.

  
Wynn Coggins, Director  
Technology Center 3600  
(571) 272-5350

LM  
JAK/LM: 2/24/10